IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.5848 OF 2004

Rafiq Navsar Khatik, .. Petitioner

Vs

State of Maharashtra & Anr. .. Respondents

WITH

WRIT PETITION NO.5849 OF 2004

Nashir Ahmed Dastgir Khatiq, .. Petitioner

Vs

State of Maharashtra & Anr. .. Respondents

Mr.Uday Warunjikar, for the petitioners.

Mr Sonawane, AGP for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 8th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Mr.Warunjikar, learned counsel for the petitioners, on instructions, states that he is not pressing these petitions and the petitioners would be satisfied if they are given liberty to apply either for renewal of their lodging licence or for issuance of fresh licence in view of the fact that renewal of their lodging licence was refused on the ground that the N.A.permission of the land, on which the lodge of the petitioners stand, was not obtained. Mr Warunjikar, further submits that the

petitioners have now obtained N.A.permission and in view thereof the concerned authorities be directed to consider their request of either renewal or issuance of the licence afresh. Mr Sonawane, learned AGP, states that since the renewal of the licence was refused on that ground he has no objection for granting them liberty to approach the concerned authority afresh and if they do so, their application will be decided on merits in accordance with law. In view of this, the writ petitions stand disposed of by following order:

(i) Liberty to the petitioners to apply afresh either seeking renewal of their lodging licence or for issuance of fresh licence, as the case may be, within one week from today. The concerned authority shall consider their application within four weeks therefrom. The petitioners to file all necessary documents along with their applications including N.A. permission obtained by them.

(ii) The concerned authority shall consider and decide the applications of the petitioners uninfluenced by the impugned orders on merits in accordance with law. Needless to state that unless the petitioners comply with all the conditions, that are required to be complied with either for renewal or for issuance of fresh licence, the concerned authority is not obliged to

either renew or issue fresh licence.

(iii) The petitioners to communicate this order to the concerned authority within ten days from today.

. The writ petitions are disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)